

094342.0028
Examiner Gregory E. Webb
Art Unit 1751

REMARKS

The Final Office Action mailed on April 13, 2006 has been reviewed and the Examiner's comments have been carefully considered. Claims 1-27 remain pending in this case.

Applicants amend the specification to include information regarding the level of contaminants in the working fluid that was disclosed in the originally filed claim 25. Paragraph 81, line 15, now includes text, in which according to an embodiment of the invention, the impurities of the working fluid are not more than approximately 20%. This amendment does not constitute new matter as a working fluid having impurities of not more than approximately 20% is recited in claim 25 of the original application but was inadvertently not included in the detailed description.

In the Final Office Action, claims 1-27 stand rejected under 37 U.S.C. §112, first paragraph. Applicants hereby request that the finality of the office action be withdrawn for the basis that the rejection under 35 U.S.C. §112, first paragraph is not clear, as will be further explained below. In the alternative, if the finality of the rejection is not withdrawn, Applicants respectfully request that this amendment of this response be entered as it removes an issue for appeal. Claims 1, 3, 4, 5 and 19 are now amended to change the recitation of "automatic consumer-operated laundering apparatus" to "automatic washing machine" which is consistent with the verbiage found throughout the patent application, for example in paragraph 0005 (page 2, lines 5-6) and paragraph 0006 (page 2, line 10) of the written description.

In the Final Office Action, claims 1-27 stand rejected under 37 USC §102(b) as being anticipated by the newly cited reference, Flynn et al. (US 5,962,390), and the previously cited references of the Office Action dated September 30, 2005. Arguments in response to these rejections are addressed below.

In response to the rejection of claims 1-27 under 102(b) by Flynn et al., Applicants are hereby filing an Affidavit under 35 U.S.C. §1.131 to swear behind the reference and to remove it from consideration. The Affidavit and supporting documents show that the applicants had conceived of and diligently reduced to practice the method recited in the independent claims prior to the effective 102(e) date (filing date).

Applicants' attorney, the undersigned, had a telephonic interview with Examiner Gregory E. Webb on June 6, 2006. Specifically, Applicants' attorney requested an interview to obtain

094342.0028
Examiner Gregory E. Webb
Art Unit 1751

clarification on the rejection of claims 1-27 under 35 U.S.C. §112. A summary of the interview is provided below and is hereby made of record in this Response, in accordance with MPEP 713.01.

I. Rejections of Claims 1-27 under 35 U.S.C. §112, first paragraph

A. Critical Element

In the Final Office Action claims 1-27 stand rejected under 35 U.S.C. §112, first paragraph, based on a disclosure which is not enabling. The Final Office Action states that the phrase “automatic consumer-operated laundering apparatus” is critical or essential to the practice of the invention, and therefore the claims are not enabled by the disclosure (citing *In re Mayhew*, 572 F.2d 1229, 188 USPQ 356 (CCPA 1976)). It is further stated that “...these terms are essential to the Applicants’ arguments” and therefore “the applicant’s arguments are considered moot and previous rejections are maintained.”

Applicants’ respectfully submit that reason for rejection is unclear in view of the cited case *In re Mayhew*. That case stands for the proposition that an enablement rejection is proper when a disclosed critical limitation is missing from the claim for the invention to function as intended MPEP 2164.08(c). In *In re Mayhew*, the written description described embodiments which required a minimum number of processing parameters, however, the claims did not reflect the minimum number of processing parameters. In that case the Appellant asserted that the spec was enabling with regard to the formation of the desired alloy coating without the employment of a cooling zone or without specially locating it. The court maintained rejections on the ground that the spec failed to support the contention that the cooling bath was optional because the specification made it clear that the cooling bath was intended and necessary. Thus, in *In re Mayhew*, the holding was based on the applicant’s failure to include in the claim a limitation which the specification indicated was an essential component of the invention. In the present application, as best understood by the Applicants, the Examiner is not asserting that a critical limitation found in the spec is missing from the claim, but is instead asserting the opposite proposition – that a limitation which the Examiner believes is critical is found in the claim but lacks antecedent basis in the specification. Therefore, it is respectfully submitted that *In re*

094342.0028
Examiner Gregory E. Webb
Art Unit 1751

Mayhew has no applicability to the present application.

In the Response to the Office Action dated September 30, 2005, Applicants amended the claims to recite “automated consumer-operated laundering apparatus” to make clear that the method involves cleaning of fabrics in a washing machine.

Therefore, it is unclear as to why #2 of the Final Office Action states that “[t]he phrase ‘automatic consumer-operated laundering apparatus’ is critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure.” It is also unclear as to why #3 of the Final Office Action states that “...the applicant’s arguments are considered moot and previous rejections are maintained.” Since the previously amended claims 1, 2, 4, 5 and 19 recited the phrase “automatic consumer-operated laundering apparatus,” Applicants’ respectfully submit that the rejection of claims 1-27 is improper on the basis given by the USPTO.

The Final Office Action also states in #4 that “In an attempt to address these new matter limitations the following new rejections are added.” Applicants submit that it is unclear whether the a “new matter” rejection is being made under 35 U.S.C. §132 by the amendments which recite “automatic consumer-operated laundering apparatus,” or whether additional rejections are being added based on further search by Examiner in consideration of the amended claims. Assuming that the that rejection of claims under 35 U.S.C. §112, first paragraph, is based on “new matter” under 35 U.S.C. §132, Applicants hereby amend claims 1, 2, 4, 5 and 19 to change the recitation of “automatic consumer-operated laundering apparatus” to now “automatic washing machine.” As mentioned above, support for the recitation of an automatic washing machine is found in several places throughout the written descriptions, for example in paragraphs 0005 and 0006. It is believed that the amended claims 1-27 are patentably distinct over the cited references.

In summary, this rejection under 35 U.S.C. 112 appears to have two components to it as described above. The first component to this rejection is the assertion that the language “automated consumer-operated laundering apparatus” is “critical or essential to the practice of the invention.” Applicants respectfully disagrees with the assertion for the reasons presented above. The second component to this rejection may be objection to the term “automated consumer-operated laundering apparatus.” Applicants’ attorney now amends the application to

094342.0028
Examiner Gregory E. Webb
Art Unit 1751

remove the objected term and replace it with "automated washing machine" and thereby reduces the number of issues for appeal.

B. Piecemeal Examination

The rejection of the claims under 35 U.S.C. §102, for either lack of a critical element or "new matter" or both, requires that examination be accompanied by rejection on all other available grounds in order to advance prosecution and avoid piecemeal examination. (MPEP 707.07(g)). Applicants respectfully submit that the Final Office Action does not address the arguments made in response to the rejections under 35 U.S.C. §102 in view of the previously amended claims, specifically amendments and arguments made in response to the Office Action dated September 30, 1999.

Accordingly, Applicants respectfully request that the finality of the Final Office Action be withdrawn. In the alternative, Applicants respectfully request that the amendments to claims 1, 2, 4, 5 and 19 be entered to remove an issue for appeal.

II. Rejections of Claims 1-27 under 35 U.S.C. §102(b)

A. Novelty of Invention

Applicants' invention is a radical departure in thinking of pre-existing cleaning methods which has led to a counter-intuitive approach to cleaning fabric. Previous to Applicants' invention, bulk carriers or "working fluids" used in the dry-cleaning methods involving a laundering apparatus used chemicals specifically chosen to chemically clean the fabric. In a few cases, these bulk carriers were used in conjunction with a wash adjuvant which were used to further clean the clothes, or were provided to function as surfactants, fabric softeners, perfumes, etc.

Applicants were the first to conceive of a method for cleaning a load of fabrics in a washing machine which could be achieved using an substantially inert working fluid (IWF) that is not damaging to the fibers. Inert action relies significantly on mechanical cleaning and thermal action and less on chemical cleaning. Applicants have found, surprisingly, that fabrics could be well cleaned by a method in which a working fluid, or the bulk fluid is a substantially

094342.0028
Examiner Gregory E. Webb
Art Unit 1751

inert working fluid provided it is used in conjunction with an adjuvant. Initial fluids selected and analyzed for use as the working fluid were chosen on the basis that they would do little or no cleaning, and adjuvants were selected for their chemical properties. These experiments led to the surprising result that cleaning could be done with little or no chemical action resulting from the working fluid or bulk fluid. This led to the choice of other fluids that were relatively inert, and which would not be considered as a solvent or working fluid by those of ordinary skill in the industry, while also leading to fluids that had favorable properties and cost advantages while still obtaining the benefit of this cleaning method breakthrough. Thus, Applicants' method discloses the use the traditionally known cleaning chemicals as an adjuvant rather than in the bulk fluid. This was the beginning of a complete paradigm shift for the dry-cleaning industry. In addition to the fact that the traditionally known cleaning chemicals can be detrimental to fabrics or clothes, Applicants invention avoidance of the many detrimental environmental effects of the traditionally known cleaning chemicals used in the working fluid or bulk fluid.

Applicants' method claims recite a class of inert working fluids, among other elements of the method, which are known or readily discernable by one of ordinary skill in the art. That is, one of ordinary skill in the art would easily be able to determine, based on the described invention, whether a particular compound would constitute an inert working fluid and that the traditionally known chemicals used in cleaning, in bulk fluids and in adjuvants, would not qualify as such. Thus, while the traditional solvents, or working fluids, continue to be used in the dry-cleaning industry to effectively clean fabrics, Applicants have discovered that the working fluid need not contain these traditional solvents or working fluids as the primary cleaning ingredients.

Since the time of filing Applicants' pending patent application, which claims a priority date of April 29, 1996, other companies (some of which are suppliers to Assignee) have since disclosed species compositions of Applicants' class of compounds for the inert working fluid (IWF). Species that have since been disclosed include, for example, cyclic silicone solvents, linear silicone solvents, and combinations thereof, and silicone solvents in combination with hydrocarbon solvents and fluorinated solvents. These species are discussed further below.

094342.0028
Examiner Gregory E. Webb
Art Unit 1751

B. Method Claims

Claims 1-27 stand rejected under 35 §U.S.C. 102(b) as allegedly being anticipated by the newly cited reference, Flynn et al. (US 5,962,390), and the previously cited references of the Office Action dated September 30, 2005. Applicants hereby respond to the newly cited reference and reiterate arguments made in the Response to Office Action dated September 30, 2005 and which are now deemed as moot in the Final Office Action.

Applicants respectfully submit that all of the cited references to date fail to disclose one or more elements of the independent method claims 1 and 19, and are therefore, they do not anticipate the pending claims. To summarize, at least one of the following elements is missing from each of the cited references: 1) bringing together an inert working fluid of the defined properties in contact with an adjuvant, and 2) applying mechanical energy to the fabric in an automatic washing machine.

Anticipation under 35 USC §102 requires that a reference teach every aspect of the claimed invention either explicitly or impliedly. MPEP 706.01 (a). "Every element of the claimed invention must be literally present, arranged as in the claim." MPEP §2131, citing, *Richardson v. Szuki Motor Co.*, 868 F.2d, 1236 9 USPQ2d 1913 1920 (Fed. Cir. 1989). Attention is also directed to *In re Arkley, Eardley and Long*, 172 USPQ 524, 526 (CCPA 1972), wherein the CCPA made it clear that 35 U.S.C. §102 requires that subject matter be "identically disclosed or described in the prior art" and that the reference must clearly and unequivocally disclose the claimed invention "without any need for picking, choosing and combining various disclosures not directly related to each other by the teachings of the cited reference."

The cited references fail to disclose or infer a method of bringing together a substantially non-reactive, non-aqueous, non-oleophilic, apolar working fluid in contact with an adjuvant, and applying mechanical energy to the fabric in an automatic washing machine as claimed in independent claims 1 and 19.

Furthermore, the office actions do not address claimed elements recited in several dependent claims. Dependent claims 2 and 20 further recites a method of cleaning with a working fluid having definitive, measurable physical properties (specifically surface tension, solubility, and KB value), which are not disclosed nor implied by any of the references. None of the references disclose a method of cleaning fabric with a working fluid that is selected from a

094342.0028
Examiner Gregory E. Webb
Art Unit 1751

group of non-spark generating materials as recited in claim 3, or a working fluid that comprises conductive polymers as recited in claim 4. None of the references disclose a method that introduces a water-in-working fluid emulsion to the wash chamber of the washing machine in addition to the working fluid of the recited composition, as claimed in claims 6-8, or the further step of detecting the level of the working fluid as in claim 10, or the additional step of sensing the moisture contact or sensing the conductivity of the fabric in claims 11-15, or sensing and adjusting the temperature of the working fluid as recited claim 16, and further separating and filtering the working fluid of the recited composition to produce a permeate as recited in claims 19-20, and further filtering the permeate as recited in claims 21-22, or further treating the vapors of the working fluid of the recited composition as claimed in claims 23-24.

With regard to Applicants' present invention, close review of the cited reference show that none of these references teach a unitary, integral method which embodies expressly or inherently all of the features of the inventive method as claimed and as required under 35 U.S.C. §102(b).

Claims 1-27 are not anticipated under 35 U.S.C. §102(b) by Flynn et al. (US 5,962,390)

In the Final Office Action, claims 1-27 stand rejected under 37 USC §102(b) as being anticipated by the newly cited reference, Flynn et al. (US 5,962,390).

Applicants' patent application 10/699,262 is a continuation-in-part of Ser. No. 10/420,115 now US 6,766,670 issued July 27, 2004, claiming benefit from provisional application no. 60/045,072 filed on April 29, 1997.

Flynn et al. U.S. Patent No. 5,962,390 (Ser. No. 08/649,361) filed on May 17, 1996 and issued on October 5, 1999 is a continuation-in-part of application No. 08/573,416 filed on December 15, 1995, and issued Pat. No. 5,926,390, and which is a continuation of application No. 08/375, 812, filed January 20, 1995 now abandoned.

Applicants are hereby submitting an Affidavit under 35 U.S.C. §1.131 to swear behind the reference of Flynn et al. U.S. Patent No. 5,962,390 (Ser. No. 08/649,361) filed on May 17, 1996 and to remove it from consideration. The Affidavit and supporting documents show that the applicants had conceived of and diligently reduced to practice the method recited in the

094342.0028
Examiner Gregory E. Webb
Art Unit 1751

independent claims prior to the effective 102(e) date (filing date) of Flynn et al. The supporting documents also show that Applicants identified working fluids that inert and effective, and have identified several non exclusive candidates. One such document shows Fluoroinert and describes certain desirable chemical qualities, including that it has no deterative qualities and is non-reactive. In short, the documents evidence a conception and reduction to practice, thus removing the reference from consideration.

Claims 1-27 are not anticipated under 35 U.S.C. §102(b) by Kasprzak (US4,685,930 and EP0182,583)

Kasprzak does not disclose a method of using a wash medium containing siloxane in the laundering step in an automatic laundry machine, or a method comprising an non-immersive step in an automatic laundry machine. Kasprzak discloses a method of applying a cleaning composition containing cyclic siloxane in a pre-treating composition, which is applied to a soiled area by spraying puring, or from a cloth or sponge applicator, the soil-solvent combination is “then removed from the textile...followed by vacuuming or a conventional home laundry operation.” (Col. 2, lines 64-67 and Col. 3, lines 4-13). Specifically, Example 10 illustrates “the use of cyclic dimethyl polysiloxanes as a solvent component in the pre-wash spotting formulation...” and Table 10 illustrates the results from “stain removal by prewash spotting” (Col. 5, lines 16-18 and 55). More specifically, the cyclic siloxanes are “sufficiently volatile that any residual cyclic siloxane on the textile, after removal of soil, readily volatilizes to leave the treated area dry as well as clean.” (Col. 5, lines 34-38).

Applicants submit that (1) Kasprzak applies the cyclic siloxane to the fabric in the pre-treating step, not in an automatic washing machine; and (2) the cyclic siloxane used in Kasprzak’s pretreating formulation readily volatilizes and leaves the fabric, therefore, it is not a wash medium in an automatic washing machine. Therefore, Kasprzak does not anticipate the presently claimed invention.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1-27 are not anticipated under 35 U.S.C. §102(b) by Sanders, Jr. (US 4,247,330)

Sanders does not teach or suggest that compositions for example compositions that

094342.0028
Examiner Gregory E. Webb
Art Unit 1751

contain alcohols, emulsifying agents (e.g. quaternary ammonium salts), aliphatic alcohols, water (Column 5, lines 45-47; Column 6, lines 13-40), and other ingredients like preservatives, antifoams and coloring agents (Column 6, line 67 to Column 7, line 2). Sanders does teach or suggest that such compositions would be suitable for textile fabrics but rather discloses these compositions as protective compositions for hard surfaces, such as for example cars. Sanders does not suggest or disclose a working fluid, and a bringing of the working fluid and a washing adjuvant in contact with the fabric in an automatic washing machine. Sanders does not disclose applying mechanical energy to provide relative movement within said fabric in a laundering apparatus.

In view of these remarks, Applicants respectfully request withdrawal of Claim rejections 1-27 as being anticipated by the Sanders reference.

Claims 1-27 are not anticipated under 35 U.S.C. §102(b) by Madore (US5,091,105)

Madore et al. discloses a working fluid that is water, alcohol or glycol (Column 5, lines 1-5). The reference discloses siloxane as softening agent and not as a working fluid.

In view of these remarks, Applicants respectfully request withdrawal of the Claim rejections under 35 U.S.C. §102(b) as being anticipated by the Madore et al.

Claims 1-27 are not anticipated under 35 U.S.C. §102(b) by Donkers (US4,961,753)

Donkers et al. disclosure is directed to acquiesce compositions where the bulk of the composition is water. Donkers et al. teaches treatment methods that leave no residue on the fabric which would otherwise affect the feel or re-wettability of the fabric (See Column 4, lines 1-9 and Column 5, lines 36-39). The bulk fluid disclosed in Donkers et al. comprises mostly water and is therefore an aqueous composition and not a substantially non- aqueous composition as claimed by the Applicants.

In view of these remarks, Applicants respectfully request withdrawal of the Claim rejections under 35 U.S.C. §102(b) as being anticipated by Donkers et al.

094342.0028
Examiner Gregory E. Webb
Art Unit 1751

Claims 1-27 are not anticipated under 35 U.S.C. §102(b) by Kemerer (US4,708,807)

The Kemerer disclosure is directed to the use of compositions for cleaning and waterproofing textile fabrics. When used principally as a spot-treatment formulation, the disclosure teaches that cyclic siloxane and other solvents act to dissolve and/or loosen the soil in which it contacts. However, complete removal of the soil still requires an additional cleaning step (column 6, lines 24-34). Thus, the disclosure does not disclose or infer the use of cyclic siloxane as a working fluid of the cleaning method.

Applicants respectfully request withdrawal of the Claim rejections under 35 U.S.C. §102(b) as being anticipated by Kemerer.

Claims 1-27 are not anticipated under 35 U.S.C. §102(b) by Graiver (US4,999,398)

Graiver et al. discloses compositions of stable aqueous micro-emulsions comprising water, a polydiorganosiloxane precursor, a polymerization catalyst, and a surfactant having a hydrophilic-lipophilic balance in the range of 10-20 and methods of making same. (column 4, lines 11-53). Graiver et al. does not teach or suggest bringing said working fluid and a washing adjuvant in contact with the fabric in an automatic washing machine and applying mechanical energy to provide relative movement within said fabric in an automatic washing machine.

Applicants respectfully request withdrawal of the Claim rejections under 35 U.S.C. §102(b) as being anticipated by Graiver et al.

Claims 1-27 are not anticipated under 35 U.S.C. §102(b) by Ona (US4,388,437)

Ona discloses a composition of stable aqueous micro-emulsions comprising an organosiloxane; a surfactant; an organotitanate, organozirconate, or organogermanate; an organic acid of pH adjustment or range from 2.5 to less than 7.0; and water sufficient to form an emulsion (column 1, line 60 to column 2, line 12). Ona does not disclose or suggest Applicants' method of bringing a working fluid of the defined composition and the at least one washing adjuvant in contact with the fabric in an automatic washing machine, and applying mechanical energy to provide relative movement within said fabric in the automatic washing machine.

In view of these remarks, Applicants respectfully request withdrawal of the Claim rejections under 35 U.S.C. §102(b) as being anticipated by Ona.

094342.0028
Examiner Gregory E. Webb
Art Unit 1751

Claims 1-27 are not anticipated under 35 U.S.C. §102(b) by Inada (US5,443,747)

Inada et al. discloses compositions that are either a water system cleaning agent or a dewater cleaning agent (column 3, lines 40-42) suitable for cleaning metals, ceramics, plastics, and the like (column 7, lines 6-8; column 8, lines 60-65). The Inada et al. reference does not teach or suggest that the composition is suitable for cleaning textile fabrics. In view of the fact that textile fabrics are vastly dissimilar to metals, ceramics, plastics, and the like, one of ordinary skill in the art would not be led to use the cleaning composition of Inada et al. to clean textile fabrics. Moreover, Inada et al. does not disclose or suggest the method of bringing a working fluid and the at least one washing adjuvant in contact with the fabric in an automatic washing machine; and applying mechanical energy to provide relative movement within said fabric in the automatic washing machine.

In view of these remarks, Applicants respectfully request withdrawal of the Claim rejections under 35 U.S.C. §102(b) as being anticipated by Inada et al.

III. Telephonic Interview

As mentioned above, Applicants' attorney, the undersigned, had a telephonic interview with Examiner Gregory E. Webb on June 6, 2006. Specifically, Applicants attorney requested an interview to obtain clarification on the rejection of claims 1-27 under 35 U.S.C. §112.

Applicants' attorney inquired as to whether the rejection of claims 1-27 under 35 U.S.C. §112 included a "new matter" rejection under 35 U.S.C. 132. The Examiner advised that if the exact claim language "automatic consumer-operated laundering apparatus" was not in the written description, then to treat it as a "new matter" rejection. Applicants' attorney also requested clarification regarding the statement #2 of the Final Office Action – "...the 'automatic consumer-operated laundering apparatus' is critical or essential to the practice of the invention, and therefore the claims are not enabled by the disclosure (citing *In re Mayhew*, 572 F.2d 1229, 188 USPQ 356 (CCPA 1976))". The interview did not result in a resolution.

The Final Office Action does not indicate that the terms of the claims are indefinite, however, the Examiner indicated that the language of claim 1 pertaining to the working fluid, specifically the words "non-reactive", "non-aqueous", "non-oleophilic", and "apolar" were

094342.0028
Examiner Gregory E. Webb
Art Unit 1751

indefinite because it is not clear what they encompass. Although no written rejection has been made to this point, Applicants wish to comment on terminology recited in independent claims 1 and 19 with regard to the working fluid.

Applicants respectfully submit that it is well settled that acceptability of the claim language depends on whether one of ordinary skill in the art would understand what is claimed, and claim language need not be precise. (MPEP 2173.05(b)). Also, in considering the meaning of an invention as claimed, its meaning must be determined based on the context of the prior art.

Independent claims 1 and 19 recite a method of cleaning, which among several elements of the method claims, recite the use of "substantially non-reactive, non-aqueous, non-oleophilic, apolar working fluid." Applicants submit that these chemical property terms are definite because they are well-known to those of ordinary skill in the dry-cleaning arts. One skilled in the art of dry-cleaning would know, or be able to test decisively, whether a compound has each one of these properties and falls into the metes and bounds of the method as claimed. For example, new fluids can be tested by third parties of the dry cleaning industry, such as the International Fabric Care Institute, which can run tests on alternative working fluids to determine their properties and whether a fluid fits into all of the recited categories.

The term "substantially non-reactive" is described in the written description (paragraph 0004, page 1, line 24 through page 2, line 2) as substantially inert, a non-solvent, non-detergent fluid that under ordinary or normal washing conditions does not appreciably react with the fibers of the fabric load being cleaned, the stains and soils on the fabric load, or the washing adjuvants. The non-reactive working fluid acts as a carrier or vehicle to carry an adjuvant to the clothes so that the adjuvant can work on the close. The term "substantially apolar" is a standard chemistry definition which means a fluid having a low dielectric constant. A substantially apolar working fluids would exclude water and alcohols and other polar fluids as known by those of ordinary skill in the dry-cleaning arts. Compounds that are "substantially nonoleophilic" are very well known in the dry cleaning industry to mean compounds other than those classified as hydrocarbons. A fluid that is "substantially non-aqueous" is well known to mean a fluid that contains substantially no water.

One of ordinary skill in the art of dry-cleaning would know that the traditional dry-cleaning compositions used in the working fluid are outside the scope of these combined

094342.0028
 Examiner Gregory E. Webb
 Art Unit 1751

chemical properties of Applicants' working fluid, as recited in independent claims 1 and 19. That is, traditional fabric cleaning working fluids contain fluids that include at least one of, and possess many of the following properties: aqueous, polar, oleophilic, or reactive with the fabric under washing conditions. Thus, applicants' working fluid excludes a myriad of traditionally known solvents used for cleaning fabric in an automatic washing machine.

The tables below provide a listing of several traditional dry-cleaning compounds which are outside of the scope defined by Applicants' invention. The tables show that although a traditional bulk fluid composition may achieve one or more of the listed properties, only one type listed, cyclic siloxane, achieves all of the properties as recited in claims 1 and 19. After Applicants' priority filing date of April 29, 1997, and mainly after Applicants' disclosure became public, other companies (some of which are suppliers to Assignee) have since disclosed species compositions of Applicants' class of compounds for the substantially inert working fluid. Species that have since been disclosed include, for example, cyclic silicone solvents, linear silicone solvents, and combinations thereof, and silicone solvents in combination with hydrocarbon solvents and fluorinated solvents.

Solvent currently used in dry cleaning

Solvent	apolar	Non-oleophilic	Non-reactive	Non-aqueous	Liquid Ambient
Perc	yes	yes	no	yes	yes
Hydrocarbon	yes	no	some	yes	yes
Hydrocarbon/fluor solvents	yes	no	some	yes	yes
Cyclic Siloxane	yes	yes	yes	yes	yes
Glycol ether	no	no	some	yes	yes
Wet cleaning	no	yes	yes	no	yes
Carbon dioxide	yes	yes	yes	yes	no
HFE	yes	yes	yes	yes	yes

094342.0028
Examiner Gregory E. Webb
Art Unit 1751

The following table is found at the internet site:

pubweb.epa.gov/ttn/atw/dryperc/11-14-05background.pdf

ATTACHMENT A. TECHNICAL DATA OF ALTERNATIVE SOLVENTS

Brand Name	Dowper or PerSec	generic	DF-2000, EcoSolv, Hydroelene	GreenEarth	Impress, Rynex	PureDry	Cool Clean	numerous
Flashpoint	None	100 to 140°F	147°F	170°F	>190°F	147 to 350°F	None	none
KBV - solvency	90	29 to 45	27	13	N/A	37 to 40	N/A	none
Specific Gravity	1.62	0.75 to 0.82	0.77	0.95	0.93	0.80	-	1.0
Boiling Point (at sea level)	270°F	~370°F	338°F	410°F	410°F	298°F	-	183°F
NPPA Classification	Class IV	Class II	Class IIIA	Class IIIA	Class IIIA	Class IIIA	-	N/A
Labor - (relative to PCE)	baseline	same or slightly higher	more machine cleaning, less clothes pressing	same or slightly higher	same or slightly higher	same	higher	slightly higher
HAP	yes	less than 5%	no	no	no	no	no	no

Furthermore, the fact that Applicants' invention is embodied in properties of the working fluid that could be considered to be negative limitations, does not render the claims indefinite. It is well settled that there is nothing inherently ambiguous about a negative limitation. (See *In re Wakefield*, 422 F.2d 897, 164 USPQ 636 (CCPA 1970) in which it was held that although the claims were written in terms of excluded materials, the scope of the claim was definite because the terms of the claim were definite and the claim had a narrowing effect rather than a broadening effect.)

Dependent claims 2 and 20 further recites three additional defining properties of Applicants' working fluid. Specifically, Applicants claim working fluids that have a KB value less than approximately 30, a surface tension less than approximately 35 dynes/cm², and a water solubility less than 10%. It is well settled that a claim, such as Applicants' method claims 2 and 20, which recite compounds defined by precisely measurable properties are definite and can be issued as novel (MPEP 2173.05). The table above listing technical data, disclose several compounds used in the bulk fluid, or working fluid, and which do not meet the properties recited in claims 2 and 20, namely KB solvency values.

094342.0028
Examiner Gregory E. Webb
Art Unit 1751

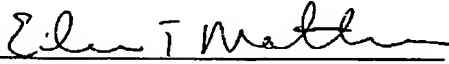
Conclusion

In summary, Applicants believes that this Amendment is fully responsive to the Office Action mailed on April 13, 2006, and that Applicants' claims include features that patentably define over the cited references. It is respectfully requested that for the foregoing reasons claims 1-27 of this application be found in condition for allowance. If claims 1-27 are not found in condition for allowance, then based on the amendments to this application and the foregoing discussion, it is respectfully requested that the finality of the office be withdrawn. If the finality of the rejection is not withdrawn, Applicants respectfully request that this amendment of this response be entered as it removes an issue for appeal. If the Examiner believes there are any further matters, which need to be discussed in order to expedite the prosecution of the present application, the Examiner is invited to contact the undersigned.

If there are any fees necessitated by the foregoing communication, please charge such fees to our Deposit Account No. 50-0959, referencing our Docket No. 094342.0028.

Respectfully submitted,
ROETZEL & ANDRESS

July 13, 2006
Date


Eileen T. Mathews
Reg. No. 41,973
1375 E. 9th Street
One Cleveland Center, 10th Floor
Cleveland, Ohio 44114
(216) 623-0150 (reception)
(216) 623-0134 (facsimile)

284033.094342.0028